

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 31<sup>st</sup> day of August, two thousand and twelve,

1:08-cv-11215-LBS -AJP

DAVID B. NEWMAN and IRA F/B/O DAVID NEWMAN-PERSHING  
LLC as Custodian, on  
behalf of themselves and all Others Similarly Situated, and Derivatively on  
behalf of FM LOW VOLATILITY FUND, L.P.,

**ORDER**

Docket Number: 11-622

Plaintiffs - Appellants,

v.

FAMILY MANAGEMENT CORPORATION; SEYMOUR W. ZISES;  
ANDREA L.  
TESSLER; ANDOVER ASSOCIATES LLC I; ANDOVER  
ASSOCIATES MANAGEMENT  
CORP.; BEACON ASSOCIATES LLC I; BEACON ASSOCIATES  
MANAGEMENT CORP.;  
JOEL DANZIGER; HARRIS MARKHOFF; IVY ASSET  
MANAGEMENT CORP.; THE  
BANK OF NEW YORK MELLON CORPORATION; MAXAM  
CAPITAL MANAGEMENT  
LLC; MAXAM CAPITAL GP, LLC; MAXAM CAPITAL  
MANAGEMENT LIMITED;  
SANDRA MANZKE; and JOHN DOES 1-100,

Defendants - Appellees,

FM LOW VOLATILITY FUND, L.P.,

Nominal Defendant - Appellee.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: August 31, 2012

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1.

The stipulation is hereby "So Ordered".

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  


For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

  


CERTIFIED COPY ISSUED ON 08/31/2012